

BILL NO. 84-38

AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 84-38 (AS AMENDED)

Council President Hardwicke at the
request of the County Executive

Introduced by _____

Legislative Day No. 84-18

Date June 5, 1984

AN ACT to add new Subsection (d) to Section 25-3.4, heading, Interpretation of Zoning Map, of Section 25-3, heading, Administration, Amendment and Enforcement, and to repeal and re-enact with amendments Section 25-3.6, heading, Zoning Classification, of Section 25-3, heading, Administration, Amendment and Enforcement, both of Article II, heading, Zoning Code, of Chapter 25, heading, Zoning, of the Harford County Code, as amended; to provide for corrections of map drafting errors resulting from the comprehensive rezoning process; to provide for a procedure for zoning reclassification initiated by the Zoning Administrator; to provide for a sunset provision for the procedure; and generally relating to zoning reclassification in Harford County.

By the Council, June 5, 1984

Introduced, read first time, ordered posted and public hearing scheduled

on: July 10, 1984

at: 7:00 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on July 10, 1984

and concluded on July 10, 1984.

Angela Markowski, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 Section 1. Be It Enacted By The County Council of Harford
2 County, Maryland, that new Subsection (d) of Section 25-3.4,
3 heading, Interpretation of Zoning Map, be, and it is hereby added
4 to Section 25-3, heading, Administration, Amendment and
5 Enforcement, and that Section 25-3.6, heading, Zoning Classifi-
6 cation, be, and it is hereby repealed and re-enacted with
7 amendments, all of Article II, heading, Zoning Code, of Chapter
8 25, heading, Zoning, of the Harford County Code, as amended, and
9 all to read as follows:

10 Chapter 25. Zoning.

11 Article II. Zoning Code.

12 Section 25-3.4. Interpretation of Zoning Map.

13 The Board, upon application therefor, after notice to the
14 owners of the properties affected and public hearing, may render
15 interpretation of the boundaries of zoning district by:

16 (a) Determination of Location.

17 Determining the location of a road or lot layout
18 actually on the ground, or as recorded, in comparison to the road
19 and lots lines as shown on the Zoning Maps.

20 (b) Extension of a District.

21 Permitting the extension of a district, if the
22 boundary line of a district divides a parcel held in single
23 ownership on the effective date of this law, provided such
24 extension does not exceed one hundred (100) feet beyond the
25 boundary line.

26 (c) Adjustment for Topography.

27 Permitting adjustment of any boundary line to
28 conform to topography of the ground; provided such variation does
29 not exceed five hundred (500) feet and is not within three
30 hundred (300) feet from any boundary of the parcel.

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1 (d) MAP ERRORS. PERMITTING ADJUSTMENT OF ANY BOUNDARY
2 LINE TO CONFORM WITH THE INTENT OF THE COMPREHENSIVE REZONING AND
3 THAT SAID ADJUSTMENT IS NECESSARY TO RECTIFY A MAP DRAFTING ERROR
4 WHICH OCCURRED DURING THE COMPREHENSIVE REZONING PROCESS.

5 Section 25-3.6. Zoning Reclassification

6 (a) Application INITIATED BY PROPERTY OWNER.

7 (1) Any application for a zoning reclassification BY A
8 PROPERTY OWNER shall be submitted to the Zoning Administrator and
9 shall include:

10 [(1)] a. The location and size of the property.

11 [(2)] b. A title reference or a description by metes
12 and bounds, courses and distance.

13 [(3)] c. The present zoning classification and the
14 classification proposed by the applicant.

15 [(4)] d. The names and addresses of all persons,
16 organizations, corporations, or groups owning land, any part of
17 which lies within five hundred (500) feet of the property
18 proposed to be reclassified as shown on the current assessment
19 records of the State Department of Assessments and Taxation.

20 [(5)] e. A statement of the grounds for the applica-
21 tion, including:

22 [a.] 1. A statement as to whether there is an
23 allegation of mistake as to the existing zoning and, if so, the
24 nature of the mistake and facts relied upon to support this
25 allegation, and

26 [b.] 2. A statement as to whether there is an
27 allegation of substantial change in the character of the
28 neighborhood and, if so, a precise description of such alleged
29 substantial change.

30 [(6)] f. A statement as to whether, in the applicant's
31 opinion, the proposed classification is in conformance with the
32 Master Plan and the reasons for the opinion.

1 [(b)] (2) Concept Plan.

2 A concept plan shall be submitted by the applicant
3 at the time the application is filed. The concept plan shall
4 illustrate the proposed general nature and distribution of land
5 uses but need not include engineered drawings.

6 (b) APPLICATION INITIATED BY ZONING ADMINISTRATOR.

7 (1) REQUEST BY PROPERTY OWNER. A PROPERTY OWNER OF
8 RECORD PRIOR TO SEPTEMBER 1, 1982, MAY REQUEST THE ZONING
9 ADMINISTRATOR TO SUBMIT AN APPLICATION TO THE BOARD OF APPEALS
10 FOR A ZONING RECLASSIFICATION BASED ON ANY OF THE CRITERIA
11 OUTLINED IN SECTION 25-3.6(b) (4). SUCH REQUEST SHALL CONTAIN A
12 CONCISE STATEMENT OF FACTS PROVIDING A HISTORY OF THE USE OF THE
13 SUBJECT PROPERTY, INCLUDING REFERENCES, IF ANY, TO PRIOR BOARD OF
14 APPEALS DECISIONS PERTAINING TO THE PROPERTY, AND SHALL INDICATE
15 RELIANCE ON SECTION(S) 25-3.6(b) (4) a, b, or c HEREINBELOW.

16 (2) INVESTIGATION BY ZONING ADMINISTRATOR. WITHIN
17 TWENTY (20) WORKING DAYS OF RECEIPT OF SUCH REQUEST, THE ZONING
18 ADMINISTRATOR SHALL INVESTIGATE SAME. THE INVESTIGATION SHALL
19 INCLUDE THE FOLLOWING:

- 20 (a) REVIEW OF COMPREHENSIVE REZONING FILES;
21 (b) REVIEW OF COMPREHENSIVE REZONING MAPS;
22 (c) REVIEW OF COMPREHENSIVE REZONING SUMMARY
23 SHEETS;
24 (d) REVIEW OF ANY OTHER RELEVANT DOCUMENTS;
25 (e) CONSULTATION WITH AREA PLANNERS.

26 (3) DETERMINATION BY ZONING ADMINISTRATOR. IF THE
27 DETERMINATION OF THE ZONING ADMINISTRATOR AFFIRMS THE STATEMENTS
28 CONTAINED IN THE PROPERTY OWNER'S REQUEST, THEN THE ZONING
29 ADMINISTRATOR SHALL PREPARE AND SUBMIT AN APPLICATION FOR A
30 ZONING RECLASSIFICATION TO THE BOARD OF APPEALS BASED ON
31 SECTION(S) 25-3.6(b) (4) a, b, or c. IN SUCH EVENT, ALL FILING
32 FEES SHALL BE PAID BY HARFORD COUNTY. A DENIAL BY THE ZONING

1 ADMINISTRATOR OF THE PROPERTY OWNER'S REQUEST SHALL BE IN WRITING
2 AND MAY BE APPEALED BY THE PROPERTY OWNER TO THE BOARD OF APPEALS
3 WITHIN TWENTY (20) DAYS OF THE DATE OF SUCH DENIAL. ALL FILING
4 FEES REQUIRED FOR THE APPEAL SHALL BE PAID BY THE PROPERTY OWNER.
5 IN THE EVENT THE BOARD OF APPEALS REVERSES THE DECISION OF THE
6 ZONING ADMINISTRATOR, THEN THE FILING FEES FOR THE APPEAL SHALL
7 BE REIMBURSED BY HARFORD COUNTY. THE DENIAL OF THE PROPERTY
8 OWNER'S REQUEST BY THE ZONING ADMINISTRATOR, OR THE FAILURE OF
9 THE PROPERTY OWNER TO FILE AN APPEAL, SHALL NOT PRECLUDE THE
10 PROPERTY OWNER FROM FILING AN APPLICATION FOR REZONING AT ANY TIME.

11 (4) CRITERIA FOR RECLASSIFICATION.

12 (a) HARFORD COUNTY DID NOT TAKE NOTICE, DURING THE
13 COMPREHENSIVE REZONING, OF THE EXISTENCE OF A LEGAL USE ON THE
14 PROPERTY PRIOR TO RECOMMENDING A ZONING CLASSIFICATION WHICH
15 WOULD LIMIT THE EXISTING USE OR USES ON THE PROPERTY. IN SUCH
16 EVENT, THE BOARD OF APPEALS MAY GRANT A RECLASSIFICATION OF THE
17 PROPERTY SO AS TO RESTORE THE PROPERTY TO A ZONING CLASSIFICA-
18 TION MOST CONSISTENT WITH THE USE OR USES PRIOR TO THE COMPRE-
19 HENSIVE REZONING CHANGE; OR

20 (b) HARFORD COUNTY FAILED TO TAKE NOTICE OF A
21 BOARD OF APPEALS DECISION REZONING THE PROPERTY, WHICH ZONING
22 CLASSIFICATION CHANGED AS A RESULT OF COMPREHENSIVE REZONING. IN
23 SUCH EVENT, THE BOARD OF APPEALS MAY GRANT A RECLASSIFICATION OF
24 THE PROPERTY TO THE ZONING CLASSIFICATION MOST CONSISTENT WITH
25 THAT ZONING CLASSIFICATION GRANTED EARLIER BY THE BOARD OF
26 APPEALS; OR

27 (c) HARFORD COUNTY FAILED TO NOTIFY THE PROPERTY
28 OWNER WHERE A USE LEGALLY IN EXISTENCE, OR A PERMITTED USE, ON
29 THE PROPERTY WAS LIMITED AS A RESULT OF THE COMPREHENSIVE
30 REZONING. IN SUCH EVENT, THE BOARD OF APPEALS MAY GRANT A
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1 RECLASSIFICATION OF THE PROPERTY SO AS TO RESTORE THE PROPERTY TO
2 A ZONING CLASSIFICATION MOST CONSISTENT WITH THE PRIOR LEGAL USE
3 OR A PRIOR PERMITTED USE.

4 (5) SUNSET PROVISION. THIS SECTION 25-3.6(b) SHALL
5 EXPIRE TWO (2) YEARS FROM THE DATE OF ENACTMENT.

6 Section 2. And Be It Further Enacted, that this act shall take
7 effect sixty (60) calendar days from the date it becomes law.

8 EFFECTIVE: September 17, 1984
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BY THE COUNCIL

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BILL NO. 84-38 (as amended)

Read the third time.

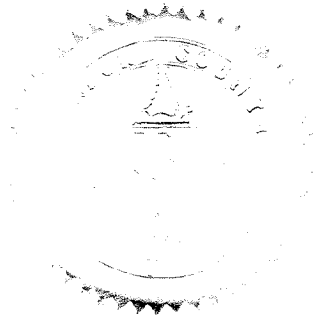
Passed LSD 84-24 (July 17, 1984) (with amendment)

Failed of Passage _____

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 18th day of July, 1984
at 3:00 o'clock P.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

[Signature]
County Executive
Date 7-19-84

BY THE COUNCIL

This Bill (No. 84-38, as amended), having been approved
by the Executive and returned to the Council, becomes law on
July 19, 1984.

Angela Markowski, Secretary

EFFECTIVE DATE: September 17, 1984

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